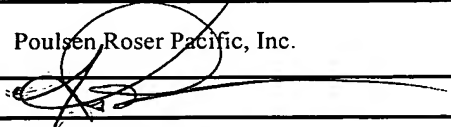
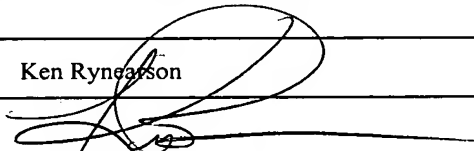


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                      |                        |          |
|---|----------------------|------------------------|----------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 10/798,699             |          |
|   | Filing Date          | 03/10/2004             |          |
|   | First Named Inventor | Mogens N. Olesen       |          |
|   | Art Unit             | 1661                   |          |
|   | Examiner Name        | Kent Bell              |          |
| Total Number of Pages in This Submission  | 6                    | Attorney Docket Number | EVIPO018 |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Notice of GRANT of Petition Under 37 CFR 1.181, and Transmittal Form PTOL-85(b) |
| Remarks<br>US Post Office Express Mail No. EV 374 922 861 US   |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Poulsen Roser Pacific, Inc.   |
| Signature                                  |  |
| Date                                       | 29 September 2005   |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |
|---|---|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |
| Typed or printed name   | Ken Rynearson   |
| Signature   |  |
| Date  | 09/29/2005  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

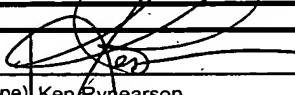
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |  |                          |                  |
|--|--|--------------------------|------------------|
| Effective on 12/08/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).<br><h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2005</h3> |  | <b>Complete if Known</b> |                  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27  |  | Application Number       | 10/798,699       |
|  |  | Filing Date              | 03/10/2004       |
|  |  | First Named Inventor     | Mogens N. Olesen |
|  |  | Examiner Name            | Kent Bell        |
|  |  | Art Unit                 | 1661             |
| TOTAL AMOUNT OF PAYMENT (\$) 330   |  | Attorney Docket No.      | EVIPO018         |

|   |  |
|---|--|
| <b>METHOD OF PAYMENT</b> (check all that apply)   |  |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input checked="" type="checkbox"/> Paid Previously with Petition Under 37CFR1.181 |  |
| <input checked="" type="checkbox"/> Deposit Account            Deposit Account Number: <u>50-1828</u> Deposit Account Name: <u>Poulsen Roser Pacific</u>  |  |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  |  |
| <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee  |  |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments  |  |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  |  |

| <b>FEE CALCULATION</b>  |                     |   |                 |                       |                                      |                       |                       |
|---|---------------------|---|-----------------|-----------------------|--------------------------------------|-----------------------|-----------------------|
| <b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>  |                     |   |                 |                       |                                      |                       |                       |
| Application Type  | FILING FEES         |   | SEARCH FEES     |                       | EXAMINATION FEES                     |                       | Fees Paid (\$)        |
|   | Fee (\$)            | Small Entity Fee (\$)                                   | Fee (\$)        | Small Entity Fee (\$) | Fee (\$)                             | Small Entity Fee (\$) |                       |
| Utility   | 300                 | 150   | 500             | 250                   | 200                                  | 100                   |                       |
| Design  | 200                 | 100   | 100             | 50                    | 130                                  | 65                    |                       |
| Plant   | 200                 | 100   | 300             | 150                   | 160                                  | 80                    |                       |
| Reissue   | 300                 | 150   | 500             | 250                   | 600                                  | 300                   |                       |
| Provisional   | 200                 | 100   | 0               | 0                     | 0                                    | 0                     |                       |
| <b>2. EXCESS CLAIM FEES</b>   |                     |   |                 |                       |                                      |                       |                       |
|   |                     |   |                 |                       |                                      | Fee (\$)              | Small Entity Fee (\$) |
| Each claim over 20 (including Reissues)   |                     |   |                 |                       |                                      | 50                    | 25                    |
| Each independent claim over 3 (including Reissues)  |                     |   |                 |                       |                                      | 200                   | 100                   |
| Multiple dependent claims   |                     |   |                 |                       |                                      | 360                   | 180                   |
| <b>Total Claims</b>   |                     | <b>Extra Claims</b>                                     | <b>Fee (\$)</b> | <b>Fee Paid (\$)</b>  | <b>Multiple Dependent Claims</b>     |                       |                       |
| - 20 or HP =  |                     | x   | =               |                       | <b>Fee (\$)</b> <b>Fee Paid (\$)</b> |                       |                       |
| HP = highest number of total claims paid for, if greater than 20.   |                     |   |                 |                       |                                      |                       |                       |
| <b>Indep. Claims</b>  |                     | <b>Extra Claims</b>                                     | <b>Fee (\$)</b> | <b>Fee Paid (\$)</b>  |                                      |                       |                       |
| - 3 or HP =   |                     | x   | =               |                       |                                      |                       |                       |
| HP = highest number of independent claims paid for, if greater than 3.  |                     |   |                 |                       |                                      |                       |                       |
| <b>3. APPLICATION SIZE FEE</b>  |                     |   |                 |                       |                                      |                       |                       |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). |                     |   |                 |                       |                                      |                       |                       |
| <b>Total Sheets</b>   | <b>Extra Sheets</b> | <b>Number of each additional 50 or fraction thereof</b> | <b>Fee (\$)</b> | <b>Fee Paid (\$)</b>  |                                      |                       |                       |
| - 100 =   | / 50 =              | (round up to a whole number) x                          | =               |                       |                                      |                       |                       |
| <b>4. OTHER FEE(S)</b>  |                     |   |                 |                       |                                      |                       |                       |
| Non-English Specification, \$130 fee (no small entity discount)   |                     |   |                 |                       |                                      | <b>Fees Paid (\$)</b> |                       |
| Other (e.g., late filing surcharge): PLANT PATENT ISSUE FEE (SMALL ENTITY STATUS)   |                     |   |                 |                       |                                      | 330.00                |                       |

|  |                                   |                        |
|--|-----------------------------------|------------------------|
| <b>SUBMITTED BY</b>  |                                   |                        |
| Signature:  | Registration No. (Attorney/Agent) | Telephone              |
| Name (Print/Type): Ken Rynearson   |                                   | Date 29 September 2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

See  
PAGE 2  
OF  
ATTACHMENT

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

**CURRENT CORRESPONDENCE ADDRESS** (Note: Use Block 1 for any change of address)

7590 11/16/2004

**Poulsen Roser Pacific, Inc.**  
**620 South Front Street**  
**Central Point, OR 97502**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first-class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

**KEN RYNEARSON** (Depositor's name)  
 (Signature)  
**29 SEPT 2005** (Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/798,699      | 03/10/2004  | Mogens N. Olesen     | EVIPO018            | 7653             |

**TITLE OF INVENTION: CLEMATIS PLANT NAMED 'EVIPO018'**

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | YES          | \$330     | \$0             | \$330            | 02/16/2005 |

| EXAMINER     | ART UNIT | CLASS-SUBCLASS |
|--------------|----------|----------------|
| BELL, KENT L | 1661     | PLT-228000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.163).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**POULSEN ROSER A/S**  
**AND RAYMOND J. EVISON, LTD.**  
**FREDENSBORG, DENMARK**  
**GUERNSEY CI. ENGLAND.**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number **50 1828** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☒ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: \_\_\_\_\_

Date: **29 SEPTEMBER 2005**

Typed or printed name: **KEN RYNEARSON**

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

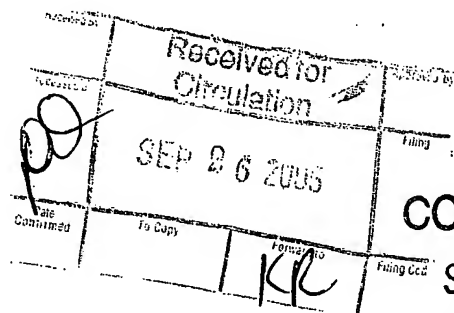
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Poulsen Roser Pacific, Inc.  
620 South Front Street  
Central Point OR 97502



**COPY MAILED**

SEP 20 2005

**OFFICE OF PETITIONS**

In re Application of  
Olesen  
Application No. 10/798,699  
Filed: March 10, 2004  
Attorney Docket No. EVIPO018  
FOR: CLEMATIS PLANT NAMED "EVIPO018"

DECISION ON  
PETITION

This is a decision on the petition under 37 CFR 1.137(a) to revive the above-identified application and the petition under 37 CFR 1.181 to withdraw the holding of abandonment. Both petitions were filed on June 6, 2005.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The above-identified application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed November 16, 2004, which set a period for reply of three (3) months. Having received no reply, the Office deemed this application abandoned on February 17, 2005. A Notice of Abandonment was mailed on May 25, 2005.

Petitioner alleges that he did not receive the November 16, 2004 Notice of Allowance and Fee(s) Due. It is assumed that petitioner did not receive the November 16, 2004 Notice of Allowability, as well. The showing required to establish nonreceipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in

practitioner's statement.<sup>1</sup>

A review of the record indicates no irregularity in the mailing of the November 16, 2005 Notices, and in the absence of any irregularity there is a strong presumption that the communications were properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communications were not in fact received.

Petitioner has provided adequate evidence to show that the delay in submitting the issue fee was unavoidable. Practitioner states that a search of the file jacket and docket records shows that the November 16, 2004 Notice was not received at the correspondence address of record. Practitioner has provided a copy of the docketing records where correspondence would have been entered had the November 16, 2004 Notice been received. There is no mention of the November 16, 2004 Notice. The evidence is persuasive that the delay in responding to the November 16, 2004 Notice of Allowance and Fee(s) Due was unavoidable.

The petition under 37 CFR 1.181 is **granted**. The holding of abandonment is withdrawn.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

Regarding finances, the \$250.00 petition to revive fee and the \$300.00 publication fee will be credited to deposit account no. 50-1828. Both fees are unnecessary because (1) the petition under 37 CFR 1.137(a) was dismissed as moot and (2) the application was filed with a nonpublication request.

ISSUE  
FEE  
PAID .

The November 16, 2004 Notices will not be remailed with a new period set for response in the interest of avoiding further delay. It is noted that petitioner has paid the issue fee due. However, petitioner has not submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on any future patent, the attached Fee Transmittal Form should be completed and returned to the Publishing Division within ONE MONTH from the mail date of this decision.

Copies of the November 16, 2004 Notices are included to complete petitioner's records.

After the mailing of this decision, the application file will be forwarded to Publishing Division for processing into a patent.

---

<sup>1</sup> See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is written in a cursive, flowing style.

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions

enclosures: Notice of Allowance and Fee(s) Due - November 16, 2004  
Notice of Allowability - November 16, 2004.